

EXHIBIT 2

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 Alexandria Division
4 -----x
5 ROSY GIRON DE REYES, :
6 et al., :
7 Plaintiffs, : Civil No.:
8 v. : 1:16cv563-TSE-TCB
9 WAPLES MOBILE HOME PARK LIMITED :
10 PARTNERSHIP, :
11 et al., :
12 Defendants. :
13 -----x
14 Videoconference Deposition of
15 WILLIAM A.V. CLARK, Ph.D.
16 McLean, Virginia
17 Thursday, December 22, 2016
18 4:05 p.m.
19
20 Job No: 130604
21 Pages: 1 - 87
22 Reported by: Kelly Carnegie, CSR, RPR

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Conducted on December 22, 2016

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1 subject was an attempt to estimate the undocumented
2 population in a particular geographical area?

3 A There may be other publications which have
4 certainly been involved with discussions of the
5 undocumented population. Your specific question
6 about whether I have estimated it for specific
7 areas, I don't believe that I have articles that
8 have done that.

9 Q Have you engaged in that type of analysis
10 as an expert witness on any occasion other than this
11 case?

12 A I believe it was part of the Koreatown
13 study. We were concerned with people who were
14 documented or not, but I don't think that that
15 became an essential part of that case.

16 Q In the reports in this case, Professor
17 Clark, there's a term that's used called "margin of
18 error." Can you define that term for me.

19 A When statisticians and demographers make
20 estimates using samples, they recognize that there
21 is some -- because it's not a count, there is some
22 error in the result, and we provide a range around

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1 Q So what I'm trying to get at is in making
2 those comparisons, what factors do you as a
3 demographer look at to determine the difference in
4 the margin of error in that situation?

5 A I'm sorry. I just don't understand your
6 question. The margin of error is the margin of
7 error which you calculate at the national level and
8 the local level. That's it.

9 Q Would you agree that the Census Bureau,
10 for example, when it goes from the national level
11 down to smaller geographical areas, its margin of
12 error increases?

13 A Yes.

14 Q So is that typical, that when you go from
15 a larger to a smaller geographical area, the margin
16 of error increases?

17 A There are a number of assumptions in your
18 statement. It would only increase if you hold the
19 sample size constant.

20 Q When you say hold the sample size
21 constant, what do you mean?

22 A Well, you have three million at the

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1 national level, you have some smaller number at the
2 local level, and we've agreed that the margin of
3 error would be greater at the smaller area than at
4 the national.

5 Q In attempting to estimate the undocumented
6 population as we've defined it, are there particular
7 challenges to that type of estimate as opposed to
8 estimating another segment of the population?

9 A I believe that's true.

10 Q What are the difficulties, if you will, in
11 estimating the undocumented population?

12 A Well, because they're undocumented, some
13 of them prefer not to be measured in census
14 estimations. So getting an accurate count is more
15 difficult for a population that is less willing,
16 less wanting to be measured.

17 Q As a demographer, how do you deal with
18 that?

19 A Well, there's a huge literature and it's
20 been discussed at length, and both Dr. Weinberg and
21 I reference some of the important people, Fasel,
22 Warren, Word, all these people, Peter Morrison, who

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1 have worked on this project of how to estimate the
2 undocumented population, and now the demographers at
3 The Center for Migration Studies have done a very
4 good job of coming up with pretty good estimates of
5 the national and local undocumented populations.

6 Q So The Center for Migration Studies has
7 estimated the undocumented population at the
8 national level for the United States, correct?

9 A Yes.

10 Q Is it also true that CMS, who is -- I'll
11 refer to them as The Center for Migration Studies --
12 has acknowledged a nine percent margin of error with
13 respect to its estimate of the undocumented
14 population at the national level?

15 A That's correct.

16 Q Has CMS estimated the margin of error for
17 its estimates at smaller geographical areas such as
18 a state?

19 A They have not.

20 Q Do you know why they have not done that?

21 A I think the -- they say it's difficult
22 enough to try and get estimates of the undocumented

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1 population. Putting margins of error on this is
2 difficult -- a difficult process. Why they actually
3 didn't do it, they don't say in their report. I
4 hasten to add that that material has just come out,
5 and I understand, but this is hearsay, that they may
6 attempt to provide margins of error.

7 Q Would you expect the margin of error for
8 the undocumented population to be higher at the
9 state level as opposed to the national estimate from
10 CMS?

11 A Would I expect the margin of error to be
12 higher?

13 Q Yes, at the state level.

14 A Depending on the state, possibly. I don't
15 think it would necessarily be any higher in
16 California, but it's possible.

17 Q What factors would you consider in
18 determining whether the margin of error at the state
19 level is higher than the nine percent margin of
20 error at the national level of CMS estimates?

21 A I'm not sure I understand where you're
22 going with your question, but it seems to me we've

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1 Q In his calculation, Dr. Weinberg took into
2 account the CMS margin of error at the national
3 level of nine percent, correct?

4 A And then he multiplied it up.

5 Q Right. But he took into account the nine
6 percent margin of error that CMS admits to with
7 respect to its national estimates, correct?

8 A Yes.

9 Q You ignored that, correct?

10 A I didn't ignore it. I said that this is
11 the best estimate we have. There is no margin of
12 error provided by CMS. He made a number of
13 assumptions about that for which I can find no
14 basis.

15 Q Well, isn't his assumption pretty
16 straightforward? He started at a national margin of
17 error and took that down to a census tract level?

18 A Not if you just multiplied up by some
19 number, which has no basis that I can find.

20 Q So you don't recall that his basis was
21 looking at the number of foreign-born nationals from
22 the census data?

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1 A He uses that, but that's -- but there's no
2 justification for it. And we're getting away from
3 the point. You're focusing on margins of error, and
4 I keep needing to remind you that we do have a point
5 estimate here. That's the issue. There is an issue
6 of what the margin of error should be, but the point
7 estimate, which both Dr. Weinberg and I got, is a
8 good estimate for the number of undocumented in the
9 census tract. And that I think is the end of the
10 discussion, really, because we've got a point
11 estimate.

12 Perhaps the margin of error should be
13 larger, but the margin of error only gives us a
14 sense of where the point estimate lies. Think of it
15 again, as I said, as a bell curve. Multiple samples
16 will produce most of the results near the point
17 estimate.

18 Q But in order to determine whether a point
19 estimate is reliable, you have to consider the
20 margin of error, correct?

21 A You can consider the margin of error. It
22 gives you a range in which the point estimate could

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1 lie. We've already established the point estimate
2 of undocumented Hispanics in the census tract is not
3 zero, but that's what Dr. Weinberg is claiming.

4 Q What Dr. --

5 A So that makes his result nonsensical.

6 Q Isn't he demonstrating that the estimate
7 has no reliability with his margin of error?

8 A No, no. He's demonstrating that you could
9 get a point estimate of zero under his discussion.
10 That's not possible.

11 Q Let me ask you this question.

12 A The margin of error --

13 Q Go ahead.

14 A The margin of error includes all point
15 estimates.

16 Q As a demographer, can you accept an
17 estimate as reliable without knowing the margin of
18 error associated with the estimate?

19 A You can accept the point estimate. There
20 is a margin of error around it. You may not know
21 exactly what the margin of error is. You can still
22 accept the point estimate. We accept them all the

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1 time. Demographers accept estimates of income, of
2 the proportion of women with levels of fertility.
3 We accept point estimates all the time, both
4 professionally and in the lay public. We don't
5 always have point -- we don't -- in fact, we often
6 do not have margins of error, but we accept them.

7 Q Why does the Census Bureau attach a margin
8 of error to all of its estimates if it's unnecessary
9 to determine the reliability of the estimate?

10 A I didn't say that. The Census Bureau in
11 its great care with lots of mathematical
12 statisticians is concerned to give a range around
13 which their point estimates lie. They want people
14 to be aware that the estimate is somewhere in this
15 range.

16 Q Isn't it true the Census Bureau also wants
17 individuals to be aware that the estimate may not be
18 reliable?

19 A I'm not sure that's a correct statement
20 about the Census Bureau, but we have to see what
21 their documentation says on that.

22 Q Based on your experience, do you

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1 understand that that's the reason they provide a
2 margin of error, to allow others to assess the
3 reliability of their estimates?

4 A That's one of the reasons they do it, and
5 I've used what I believe is a reliable piece of
6 their margins of error, that is, the margin of error
7 for the census tract, which is quite large, 26
8 percent, for my margin of error for the undocumented
9 population. If we're talking only about the
10 Hispanic population, that margin of error is in ACS.
11 The only question is whether it applies to make an
12 estimate of the undocumented population. I believe
13 it does give us the best estimate.

14 Q But in coming to your conclusions, you
15 relied upon the CMS data at the PUMA level, correct?

16 A To estimate the number of undocumenteds in
17 that tract, I deduced it from the PUMA.

18 But recall again that the other data at
19 the county level is confirmatory of my result at the
20 local level. The fact that I'm getting something
21 similar gives me a great deal of confidence in that
22 value. If the value of the census tract level was

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1 wildly different from the county level, I would be
2 concerned about my point estimate, but I'm not.

3 Q In relying upon the PUMA CMS estimate, you
4 do not know what the margin of error is for that
5 estimate, correct?

6 A I think that question has been asked at
7 least twice before, and I've answered. We don't
8 know the margin of error for the CMS data. CMS did
9 not provide margins of error at the PUMA level.

10 Q How can you as a demographer determine
11 whether their estimate is reliable or not?

12 A They have gone through a complicated
13 process of taking the national data, positing it out
14 to state and to local areas. This is, as mine, the
15 best estimate of the number of undocumented. That
16 is a large team of demographers and statisticians
17 produced this data. It is publicly available now
18 online. I believe it is as reliable data as we can
19 get about the undocumented population.

20 Q Whether it's the most reliable or not, how
21 can you determine whether it's sufficiently reliable
22 to establish, for instance, in this case as a fact

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2 I, Kelly Carnegie, Certified Shorthand
3 Reporter, Registered Professional Reporter, the
4 officer before whom the foregoing proceedings were
5 taken, do hereby certify that the foregoing
6 transcript is a true and correct record of the
7 proceedings; that said proceedings were taken by me
8 stenographically and thereafter reduced to
9 typewriting under my direction; that reading and
10 signing was requested; and that I am neither counsel
11 for, related to, nor employed by any of the parties
12 to this case and have no interest, financial or
13 otherwise, in its outcome.

14 IN WITNESS WHEREOF, I have hereunto set my
15 hand and affixed my notarial seal this 27th day of
16 December, 2016.

17 My commission expires: July 31, 2018

18
19 
Kelly Carnegie

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21 COMMONWEALTH OF VIRGINIA

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